



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL NO. 1456
Civil Action No. 01-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

The City of New York v. Abbott Labs., et al.
(S.D.N.Y. No. 04-CV-06054)
County of Suffolk v. Abbott Labs., et al.
(E.D.N.Y. No. CV-03-229)
County of Westchester v. Abbott Labs., et al.
(S.D.N.Y. No. 03-CV-6178)
County of Rockland v. Abbott Labs., et al.
(S.D.N.Y. No. 03-CV-7055)
County of Dutchess v. Abbott Labs., et al.
(S.D.N.Y. No. 05-CV-06458)
County of Putnam v. Abbott Labs., et al.
(S.D.N.Y. No. 05-CV-04740)
County of Washington v. Abbott Labs., et al.
(N.D.N.Y. No. 05-CV-00408)
County of Rensselaer v. Abbott Labs., et al.
(N.D.N.Y. No. 05-CV-00422)
County of Albany v. Abbott Labs., et al.
(N.D.N.Y. No. 05-CV-00425)

[Caption Continues on Next Page]

**SCHERING CORPORATION'S
MOTION FOR PROTECTIVE ORDER**

<i>County of Warren v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00468))
<i>County of Greene v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00474))
<i>County of Saratoga v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00478))
<i>County of Columbia v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00867))
<i>Essex County v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00878))
<i>County of Chenango v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00354))
<i>County of Broome v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00456))
<i>County of Onondaga v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00088))
<i>County of Tompkins v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00397))
<i>County of Cayuga v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00423))
<i>County of Madison v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00714))
<i>County of Cortland v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00881))
<i>County of Herkimer v. Abbott Labs. et al.</i>)
(N.D.N.Y. No. 05-CV-00415))
<i>County of Oneida v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00489))
<i>County of Fulton v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00519))
<i>County of St. Lawrence v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00479))
<i>County of Jefferson v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00715))
<i>County of Lewis v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00839))
<i>County of Chautauqua v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06204))
<i>County of Allegany v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06231))
<i>County of Cattaraugus v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06242))

<i>County of Genesee v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06206))
<i>County of Wayne v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06138))
<i>County of Monroe v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06148))
<i>County of Yates v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06172))
<i>County of Niagara v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06296))
<i>County of Seneca v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06370))
<i>County of Orleans v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06371))
<i>County of Ontario v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06373))
<i>County of Schuyler v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06387))
<i>County of Steuben v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06223))
<i>County of Chemung v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06744))
AND)
<i>County of Nassau v. Abbott Labs., et al.</i>)
(E.D.N.Y. No. 04-CV-5126))
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Defendant Schering Corporation (“Schering”) hereby moves for a Protective Order directing that: (1) the deposition of the Schering Corporation sought in the Rule 30(b)(6) Notice of Deposition to Schering Corporation, attached to the Declaration of Bryan R. Diederich in Support of Schering Corporation’s Motion for Protective Order as Exhibit B, not be allowed to proceed at this time and (2) all discovery as to Schering be stayed absent a showing by Plaintiffs as to any drug that the spreads between AWP and Average Manufacturer Price or AMP for that drug regularly exceeded 30%, and then that discovery be allowed to proceed only as to that drug or drugs for which such a showing is made. In support of its motion, Schering relies on the Affidavit of Sumanth Addanki, dated February 21, 2008, the Declaration of Bryan R. Diederich in Support of Schering Corporation’s Motion for Protective Order, and Schering Corporation’s Memorandum In Support of its Motion for Protective Order, submitted herewith. For all of the reasons set forth therein, Schering respectfully requests that its Motion for Protective Order be GRANTED.

Respectfully submitted,

Schering-Plough Corporation, Schering
Corporation, and Warrick Pharmaceuticals
Corporation Complaint

/s/ John P. Bueker

John T. Montgomery (BBO#352220)

John P. Bueker (BBO#636435)

Bryan R. Diederich (BBO#647632)

Kim B. Nemirow (BBO# 663258)

ROPES & GRAY LLP

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Dated: May 13, 2008

LOCAL RULE 7.1(A) CERTIFICATION

I hereby certify that I have conferred and have attempted in good faith with Plaintiffs' counsel to resolve or narrow the issues presented in this Motion.

/s/ John P. Bueker
John P. Bueker

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2008, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Renée A. Coshin
Renée A. Coshin